

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

UNITED STATES OF AMERICA

V.

TECHNIP S.A.,

Defendant.

Criminal No. H-10-439

GOVERNMENT’S MOTION TO DISMISS CRIMINAL INFORMATION

Pursuant to Rule 48(a) of the Federal Rules of Criminal Procedure and by leave of Court endorsed hereon, the United States of America, by and through undersigned counsel, hereby dismisses with prejudice the criminal information filed in the above-captioned case against the defendant, Technip S.A. (“Technip”). As grounds therefore, the government states as follows:

1. On or about June 28, 2010, the United States filed a criminal information charging Technip with conspiracy to commit an offense against the United States in violation of 18 U.S.C. § 371, that is, to violate the anti-bribery provisions of the Foreign Corrupt Practices Act of 1977 (“FCPA”), as amended, 15 U.S.C. §§ 78dd-1 and 78dd-2 (Count One) and violating the anti-bribery provisions of the FCPA, 15 U.S.C. § 78dd-1 (Count Two). Docket Entry 1.

2. On the same date, the United States and Technip entered into a deferred prosecution agreement (“DPA”), which was to be effective for two years and seven calendar days from the filing date of June 28, 2010. DPA ¶3. The DPA required, among other things, that Technip acknowledge responsibility for the actions of its employees, subsidiaries, and agents who made improper payments to Nigerian government officials, officials of NNPC, officials of NLNG, and others in order to obtain contracts related to the Bonny Island Project. *Id.* at ¶2 and

App. A (Statement of Facts). As part of the DPA, Technip also agreed, among other things, to pay a \$240 million penalty; continue to cooperate with the United States; adhere to certain compliance undertakings; and have its compliance program and procedures reviewed by an independent monitor. *Id.* at ¶¶5-22.

3. In accordance with the DPA, Technip paid the \$240 million penalty in seven installments of \$30,000,000, between August 1, 2010 and February 1, 2012. Technip also met fully its obligation of cooperating with the United States.

4. In addition, Technip has adhered to the compliance undertakings required by the DPA by, among other things, developing and implementing a new ethics and compliance program, including implementing a new code of conduct and devoting additional resources to its compliance department. Remedial measures and internal control improvements included enhanced policies and a revised code of conduct directed at prohibiting corruption; additional staffing and resources dedicated to coordinating and overseeing the implementation and enforcement of the anticorruption program; improved system for reporting suspected misconduct consistent with French law; additional accounting system controls designed to ensure the maintenance of accurate books and records; and improved due diligence and review processes for subcontracting and procurement agreements.

5. Pursuant to the DPA, if Technip complied with its obligations under the DPA the United States would not continue the criminal prosecution against Technip and would dismiss with prejudice the criminal information. DPA ¶7.

6. Given that Technip has paid a \$240 million penalty, fully cooperated with the United States and continued to meet its obligations under the DPA, the United States believes that dismissal with prejudice is appropriate under the circumstances and pursuant to the

agreement of the United States and Technip contained in the DPA. Technip does not oppose the government's motion.

WHEREFORE, pursuant to Rule 48(a) of the Federal Rules of Criminal Procedure and by leave of Court endorsed hereon, the United States hereby dismisses with prejudice the criminal information filed in the instant case.

Respectfully submitted,

DENIS J. MCINERNEY
CHIEF, FRAUD SECTION
Criminal Division
United States Department of Justice

DATED: August 3, 2012
Washington, D.C.

By: /s/ Patrick F. Stokes
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Leave of Court is granted for the filing of the foregoing Dismissal with Prejudice.

DATE: August ____, 2012

KEITH P. ELLISON
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

I hereby certify that on this 3rd day of August, 2012, I caused a copy of the foregoing “Government’s Motion to Dismiss Criminal Information” to be delivered electronically through the Electronic Filing System and via electronic mail and First Class Mail to counsel of record for Technip S.A.

/s/ Patrick F. Stokes
Patrick F. Stokes
Deputy Chief, Fraud Section